

Environmental Health Committee

HB 1180

Brief Description: Regarding the use of bisphenol A.

Sponsors: Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney.

Brief Summary of Bill

- Bans the manufacture and sale of containers designed for food and beverage used by children under the age of three that contain bisphenol A and sports water bottles.
- Directs the Department of Ecology to conduct assessments for alternatives to the use of bisphenol A in other food and beverage containers.

Hearing Date: 1/28/09

Staff: Pam Madson (786-7111)

Background:

Bisphenol A is a chemical that is used to harden plastic. It is found in a wide variety of products including baby bottles, reusable water bottles, tableware, and storage containers. It is used in the thin coating on the interior of food and beverage cans to prevent corrosion and food contamination from the metals.

Potential health effects from exposure to bisphenol A are reproductive effects and developmental effects, particularly in newborns and infants. The U.S. Food and Drug Administration is continuing its review of current research and studies and is researching the potential low dose effects of bisphenol A. The government of Canada is taking steps to restrict the use of bisphenol A in baby bottles. Some manufacturers have discontinued the use of bisphenol A in food and beverage products used by young children.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Ecology (DOE), in consultation with the Department of Health, has the responsibility of identifying high priority chemicals that are of concern to children.

Summary of Bill:

The following products may not be manufactured, sold, or distributed in Washington state beginning July 1, 2010:

1. containers designed to hold food and beverages primarily for children under 3 years of age and made using bisphenol A. These are empty containers that are filled by consumers such as baby bottles.
2. food and beverage products in containers made using bisphenol A such as liquid infant formula purchased in a can; and
3. sports water bottles.

Manufacturers may not substitute bisphenol A with any chemical that has been designated a "high priority chemical" by the DOE under the process for identifying chemicals of concern for children.

By July 1, 2012, the DOE must do assessments for alternatives to the use of bisphenol A for all containers designed for food and beverages for human consumption. Information for the alternatives assessment for products not banned but using bisphenol A must be provided by the manufacturer of the product. If the manufacturer fails to provide information, the DOE may get the information from another source and impose a penalty on the manufacturer based on the cost of obtaining the information.

If the DOE finds there is a safer alternative, it must submit a report to the Legislature prior to the next legislative session. Prior to submitting the report, the DOE must publish its findings so that those most interested will be aware of the findings and can submit comment. After the legislative session, if no action is taken by the Legislature, the DOE may proceed with rule making to ban the products containing bisphenol A that have an available alternative.

In making its findings, the DOE may make and utilize certain assumptions regarding available alternatives.

Manufacturers must notify retailers of banned products and recall the product reimbursing the retailer or consumer who purchased the product.

Manufacturers, retailers, or distributors who knowingly distribute products containing bisphenol A in violation of the chapter are subject to a civil penalty of \$5,000 for the first offense and \$10,000 for subsequent offenses. Retailers who unknowingly sell products containing bisphenol A are not subject to the civil penalties under this chapter.

All penalties are deposited in the State Toxics Account (Account) and expenses for this program are paid from the Account.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.